

# EXHIBIT 1

SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

Walmart, Inc.; Stephanie Whitworth Chapman and DOES 1 to 50, Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Danny McDowell

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Southwest Justice Center, 30755-D, Auld Rd, Murrieta, CA 92563

CASE NUMBER: (Número del Caso):  
**CVSW2201816**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Micahel Domingo, Esq., Law Offices of Jacob Emrani, APC, 714 W. Olympic Blvd., Ste. 300, Los Angeles, CA 90015; 213-748-7734

DATE: Clerk, by , Deputy  
(Fecha) 03/18/2022 (Secretario) P. Thiphavong (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): **Walmart Inc.**  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date)

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</b> Michael Domingo, Esq. (SBN321851) Law Offices of Jacob Emrani 714 W. Olympic Blvd., #300 Los Angeles, CA 90015 TELEPHONE NO: 213-748-7734 FAX NO. (Optional): 213-748-8879 E-MAIL ADDRESS (Optional): mdomingo@calljacob.com ATTORNEY FOR (Name): Plaintiff Danny McDowell		<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b> STREET ADDRESS: 30755-D Auld Road MAILING ADDRESS: 30755-D Auld Road CITY AND ZIP CODE: Murrieta, California 92563 BRANCH NAME: Southwest Justice Center		
PLAINTIFF: Danny McDowell  DEFENDANT: Walmart, Inc.; Stephanie Whitworth Chapman and  <input checked="" type="checkbox"/> DOES 1 TO 50 inclusive		
<b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Gen Negligence <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
<b>Jurisdiction (check all that apply):</b> <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER:  CVSW2201816

1. **Plaintiff (name or names):** Danny McDowell  
alleges causes of action against **defendant (name or names):**  
Walmart, Inc.; Stephanie Whitworth Chapman and DOES 1 to 50, inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
3. Each plaintiff named above is a competent adult
  - a. ☐ **except plaintiff (name):**
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):
  - b. ☐ **except plaintiff (name):**
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.



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4. ☐ Plaintiff (name):  
 is doing business under the fictitious name (specify):  
  
 and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (name): Walmart, Inc.  
 (1) ☐ a business organization, form unknown  
 (2) ☒ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- c. ☐ **except** defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- b. ☐ **except** defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- d. ☐ **except** defendant (name):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):  
  
 (4) ☐ a public entity (describe):  
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 50, inclusive were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 to 50, inclusive are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, **and**
- a. ☐ has complied with applicable claims statutes, **or**
- b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Plaintiff has been hurt and injured in his health, strength and activity, sustaining injuries and damage to his body and nervous system, all to his detriment. All damages are recoverable under the law.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Prem, L-1, Prem. L-2, Prem. L-4, Prem. L-5 and GN-1

Date: March 17, 2022

Michael Domingo, Esq.

(TYPE OR PRINT NAME)



Michael Domingo

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First

## CAUSE OF ACTION—General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Danny McDowell

alleges that defendant (name): Walmart, Inc.; Stephanie Whitworth Chapman and

☒ Does 1 to 50, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 03/19/2020

at (place): Walmart store located at 1231 S. Sanderson Avenue, Hemet, California 92545

(description of reasons for liability):

Plaintiff was shopping at Defendants' business premises known as Walmart located at 1231 S. Sanderson Avenue, Hemet, California 92545 ("Premises") when he slipped on water on the floor and fell and was injured. Plaintiff is informed and believes and based thereon alleges that as a direct and legal result of the negligence of Defendants, and each of them, that Plaintiff has suffered and continues to suffer economic damages including, but not limited to, past and future economic medical expenses, loss of earnings and earning capacity. Plaintiff has suffered and continues to suffer non-economic damages, including, but not limited to physical/mental pain and suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress in a sum as not yet ascertained according to proof.

Defendants, and each of them, owed a duty of care to all reasonably foreseeable people, including Plaintiff, to maintain, operate, patrol, service, facilitate, inspect, and/or control the Premises. Defendants owed a duty of care to all reasonably foreseeable customers, guests, and visitors to the Premises, including Plaintiff, to maintain, operate and repair the Premises and to keep it in a safe condition. Defendants also had a duty to properly hire, retain, train, and supervise their employees and agents to perform their work in keeping the Premises safe. Defendants' careless, negligent, reckless, and unlawful conduct in regards to maintaining, operating, patrolling, servicing, facilitating, inspecting, and/or controlling the Premises was the legal, direct, and proximate cause of Plaintiff's injuries.

Plaintiff is informed and believes and based thereon alleges that the Defendants created this dangerous condition and/or failed to take remedial action to remove said dangerous condition and further failed to warn Plaintiff of the existence of the dangerous condition despite their knowledge of its existence thereby exposing Plaintiff to an unreasonable risk of harm. Therefore, Defendants were negligent, careless, and reckless in failing to take reasonably proper action to maintain the Premises which resulted in Plaintiff's injuries in this incident. Defendants by and through their agents and/or employees, negligently hired, trained, and supervised Defendants, so as to cause the complained of incident. Defendants, improperly operated and/or maintained the Premises within the course and scope of their employment. Defendants, negligently entrusted care of the Premises to Defendants, with anterior actual and/or constructive knowledge that Defendants, were incompetent or unfit to properly maintain and care for the Premises, and it was such unfitness and/or incompetence that caused Plaintiff his injuries.



PLD-PI-001(4)

SHORT TITLE:  
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Second

(number)

**CAUSE OF ACTION—Premises Liability**

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ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. (name): Danny McDowell

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 3/19/2020 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was shopping at Defendants' business premises known as Walmart located at 1231 S. Sanderson Avenue, Hemet, California 92545 ("Premises") when he slipped on water on the floor and fell and was injured. Plaintiff contends that the water on the floor of the Premises constituted a dangerous condition for lack of maintenance, repair, inspection, training, warning and/or supervision that injured Plaintiff.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed, and operated the described premises were (names):  
 Walmart, Inc.; Stephanie Whitworth Chapman and

☒ Does 1 to 10, inclusive

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does to

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does to

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5.a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
 Walmart, Inc.; Stephanie Whitworth Chapman and

☒ Does 21 to 30, inclusive

b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are

☐ described in attachment Prem.L-5.b ☒ as follows (names):

Walmart, Inc.; Stephanie Whitworth Chapman and Does 31 to 50, and each of them, according to proof.

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